

**REMARKS**

By this Amendment, claims 1 and 12 have been amended, claims 16-19 have been cancelled, and claims 20-28 have been added. Accordingly, claims 1-15 and 20-28 are currently pending in this application. The amendments to claims 1 and 12 are fully supported by the originally filed application. Accordingly, no new matter has been added by this Amendment.

In the Office Action dated July 28, 2005, claims 1-15 were rejected under 35 U.S.C. § 103(a), as obvious over U.S. Patent No. 2,697,433 to Zehnder ("Zehnder") in view of U.S. Patent No. 3,457,922 to Ray ("Ray").

Applicants respectfully traverse the rejection of claim 1 as obvious over Zehnder in view of Ray. Zehnder does not disclose or suggest, among other things, an apparatus having an outer rim disposed substantially completely around a perimeter of a base, and a pivot disposed substantially completely above a top surface of the base, as recited by amended independent claim 1. As shown in at least FIGS. 2A-2C of the present application, for example, the outer rim 208 "surrounds the base plate 220." (Application, page 16, lines 31-32.) In addition, as discussed in the Amendment After Final filed on May 6, 2005, the pivot cylinder 234 is disposed substantially completely above the top surface of the base plate 220, for example.

Zehnder, on the other hand, does not disclose or suggest, among other things, an outer rim disposed substantially completely around a perimeter of a base. The current Office Action alleges that the base frame member 10 of Zehnder may be a base as recited in claim 1. Applicants do not necessarily agree with this characterization or interpretation of the prior art. However, even in an embodiment in which the ball-like

lower end 45 of Zehnder may be substantially completely above a top surface of the base frame member 10, the Zehnder assembly still does not include any component disposed substantially completely around a perimeter of the base frame member 10 as required by claim 1. Instead, as shown in at least FIGS. 1-4 of Zehnder, each of, for example, the carriage 36 and the ring member 46 are disposed substantially inboard of the perimeter of frame member 10. As explained by Zehnder, the "carriage 36 is narrower than the width of the frame 21, thereby allowing adjustment of the carriage transversely relative to the longitudinal axis of the frame 10." (Zehnder, column 2, lines 43-46.) In addition, Zehnder states that the "ring member 46 is mounted in a circular hole 47 in the midportion of the carriage 36." (Zehnder, column 2, lines 58-59.) As shown in FIGS. 1-4, the midportion of the carriage 36 is within the perimeter of frame member 10.

Moreover, although a portion of both the side rail 32 and the longitudinal arm 35 of the second frame 21 appear to be outboard of the flanges 26, 27, respectively, of base frame member 10, at least the pivoted arm 30 and the cross rail 43 of the second frame 21 are disposed substantially within the perimeter of frame member 10. Accordingly, neither the second frame 21, nor any other component of the Zehnder assembly, is disposed substantially completely around a perimeter of the frame member 10.

Ray does not cure these deficiencies. Instead, the tripod base 11 of Ray includes a ball 13 disposed within a clamping ring 14. Ray does not disclose or suggest, among other things, any component disposed substantially completely around a perimeter of the tripod base 11. Moreover, as explained in the May 6, 2005

Amendment After Final, the ball 13 of Ray is located substantially within the tripod base 11 and although a portion of the ball 13 may extend above the tripod base 11, the ball 13 is not disposed substantially completely above a top surface of the base 11 as required by claim 1.

Since Zehnder fails to disclose or suggest, among other things, an apparatus having an outer rim disposed substantially completely around a perimeter of a base, and a pivot disposed substantially completely above a top surface of the base, either alone or in combination with Ray, Applicants traverse the Examiner's rejection of independent claim 1. Reconsideration is respectfully requested.

Claims 2-15 depend directly or indirectly from independent claim 1, and are therefore allowable for at least the same reasons stated above with regard to claim 1. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each are also separately patentable.

New claim 20 also recites an apparatus having an outer rim disposed substantially completely around a perimeter of a base, and a pivot disposed substantially completely above a top surface of the base. Accordingly, claim 20 is allowable for the same reasons discussed above with respect to claim 1.

Claims 21-28 depend directly or indirectly from independent claim 20, and are therefore allowable for at least the same reasons stated above with regard to claim 20. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each are also separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration, and the timely allowance of the pending claims.


The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 27, 2005

By:   
Dominic P. Ciminello  
Reg. No. 54,038